

RESOLUTION NO. 2006-74

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREMONT
ESTABLISHING A UTILITY USERS TAXPAYERS OVERSIGHT
COMMITTEE AND DELEGATING THE AUTHORITY TO APPOINT
MEMBERS OF THE COMMITTEE TO THE CITY MANAGER,
SUBJECT TO THE VOTERS' APPROVAL OF THE UTILITY USERS
TAX ORDINANCE**

WHEREAS, on July 11, 2006, the City Council voted to place on the November 7, 2006, ballot an Ordinance entitled "*An Ordinance of the City of Fremont Approving a 4 % Utility Users Tax on Electricity and Gas for General Fund Purposes*" (the "Ordinance"), by which the City Council proposed a general tax for voter approval at the rate of 4% of all charges for the use of the following utilities: electricity and gas; and

WHEREAS, a general tax measure imposed for general governmental purposes, such as this Ordinance, is required to be approved by at least a two-thirds vote of the City Council (i.e., at least four Council members), and approved by a majority vote of qualified voters at a regularly scheduled general election for members of the City Council (pursuant to California Constitution, Article XIIC, Section 2(b); and California Government Code sections 53723 and 53724); and

WHEREAS, the Ordinance requires the Council to establish a Utility Users Taxpayers Oversight Committee ("Committee") to review public records regarding the revenue generated by the tax (including any exceptions granted pursuant to Section 2-6504a, subdivision (b) of the Ordinance) and how the revenue is used by the City; and

WHEREAS, the Ordinance requires that the composition and duties of the Committee, consistent with the purposes set forth herein, shall be determined by resolution of the City Council,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Fremont that, subject to the voters' approval of "*An Ordinance of the City of Fremont Approving a 4 % Utility Users Tax on Electricity and Gas for General Fund Purposes*"

- a Utility Users Taxpayers Oversight Committee (the "Committee") is hereby created consisting of seven (7) members; and
- the term of the appointment to the Committee shall be for three years; no Committee member may serve more than two consecutive terms; and

- the Committee shall include representation of both residential and business taxpayers; and
- the Committee shall meet at least one time per year to review the revenue from the Utility Users Tax and the expenditure of that review; and
- the City Manager shall have the authority to appoint the members of the Committee as set forth herein.

NOW THEREFORE BE IT FURTHER RESOLVED that if the voters of Fremont fail to approve “*An Ordinance of the City of Fremont Approving a 4 % Utility Users Tax on Electricity and Gas for General Fund Purposes*” than this Resolution shall have no force and effect.

ADOPTED: July 11, 2006 by the City Council of the City of Fremont by the following vote:

AYES: Mayor Wasserman, Vice Mayor Cho, Councilmembers Dutra, Wieckowski and Natarajan

NOES: None

ABSTAIN: None

ABSENT: None

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

Assistant City Attorney